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May 26, 2023

**VIA ECF**

Hon. Valerie Figueredo  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

SO ORDERED

A handwritten signature in black ink, appearing to read 'Valerie Figueredo', written over a horizontal line.

VALERIE FIGUEREDO

United States Magistrate Judge

Dated: May 30, 2023

The initial case management conference scheduled for June 6, 2023 is rescheduled for July 20, 2023 at 10:00 a.m. The parties are directed to update the Court on the status of the mediation session by no later than July 17, 2023. The Clerk of Court is directed to terminate the motion at ECF No. 30.

**Re: *Cullins v. 156 Fifth Avenue Corp. et al.*,  
Civil Action No.: 1:22-cv-10288-ALC-VF**

Dear Judge Figueredo:

This firm represents Defendants Nike Retail Services, Inc. ("Nike") and 156 Fifth Avenue Corp. ("156 Fifth") (collectively, "Defendants"). We write, with Plaintiff's consent, to respectfully request a 30-day adjournment of the Rule 16 Conference currently scheduled to occur telephonically on June 6, 2023 at 10:00 AM based on the forthcoming private mediation in July. This letter is the second request for an adjournment of this conference.

By way of background, Plaintiff filed the Complaint on or about December 5, 2022. (ECF No. 1.) The Court previously granted three (3) 30-day extensions of the Defendants' responsive pleading deadlines, and Defendants answered on March 5, 2023. (ECF Nos. 21 and 24.) On April 26, 2023, Defendants, jointly with Plaintiff, filed a letter motion requesting a 30-day adjournment of the Rule 16 Conference previously scheduled for May 3, 2023, and advised the Court in its submission that the parties were discussing the assignment of this matter to a private mediator and would report to the Court on the status of mediation at least seven (7) days before the rescheduled conference. (ECF No. 38). The Court granted the parties' request the following day. (ECF No. 39).

The parties have agreed to engage in a private mediation with mediator Amanda Fugazy, and have scheduled the mediation for July 10, 2023. The parties seek to focus their efforts and resources on the mediation and a potential non-litigated resolution of this matter. Accordingly, the parties respectfully request an adjournment of the Rule 16 Conference to July 18, 2023, July 20, 2023, or July 21, 2023, with the parties to report as to whether the matter is resolved no later than seven (7) days after the mediation session is held. The parties also respectfully request that the deadline for the submission of the



Hon. Valerie Figueredo

May 26, 2023

Page 2

Report of Rule 26(f) Conference and Proposed Case Management Plan similarly be reset based on the new conference date.

This application is being made in good faith and not to cause undue delay, and the requested extension will not affect any other scheduled dates. We thank the Court for its time and attention in this matter, and for its consideration of this application.

Respectfully submitted,

SEYFARTH SHAW LLP

*/s/ John W. Egan*

John W. Egan

cc: All counsel of record (via ECF)